

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 7449, 7468, 7712,
7929, 8086**

(Jointly Administered)

URGENT MOTION FOR EXTENSION OF DEADLINES

To the Honorable United States District Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), on behalf the Commonwealth of Puerto Rico (the “Debtor”), pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2017, respectfully submits this urgent motion for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadlines set forth in the *Order* [ECF No. 8086] (the “Amended Scheduling Order”).²

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² The Financial Oversight and Management Board for Puerto Rico, as the Debtor’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized AAFAF to file this Urgent Motion on behalf of the Commonwealth.

Request for Relief

1. On June 14, 2019, NextGen HealthCare, Inc. and Quality Systems, Inc. (“Movant”), filed a *Motion for Payment of Administrative Expense Claim of Post-Petition Executory Contract Payments* [ECF No. 7449] (the “Motion”), requesting that the Court enter an order directing the Commonwealth to pay the amount of \$179,510.00. Movant submits that the amounts allegedly owed by the Commonwealth are for post-petition services provided by Movant and thus, entitled to administrative expense priority. See, Motion at p. 7.

2. On July 18, 2019, the Court entered the Amended Scheduling Order which provides that oppositions to the Motion must be filed by July 24, 2019 and Movant’s reply by July 31, 2019.

3. The Debtor is still in the process of gathering the relevant information in order to evaluate the possibility of reaching a consensual resolution that would resolve the Motion. Accordingly, the Debtor needs additional time to finalize its analysis to determine whether it can reach a consensual resolution with Movant in connection with the relief sought in the Motion, without the need to incur additional fees and expenses that litigation of such matter would entail.³

4. Accordingly, the Debtor proposes the following extensions of the deadlines set forth in the Amended Scheduling Order:

- The deadline to file oppositions to the Motion, or to otherwise respond, shall be extended to **July 31, 2019**.
- The deadline for Movant to file a reply to any oppositions shall be extended to **August 7, 2019**.

³ The Commonwealth reserves all rights, defenses, and protections with respect to the Motion, including, without limitation, that the relief sought in the Motion is barred by PROMESA section 305.

5. In the alternative, and in the event that the Court does not grant the extension of time requested herein, the Debtor requests that it be granted forty-eight (48) hours to file its response to the Motion from the date of an order denying this Motion.

6. Pursuant to Paragraph I.H of the *Ninth Amended Notice, Case Management and Administrative Procedures* [ECF No. 7115-1] (the “Case Management Procedures”), the Debtor hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

Notice

7. The Debtor has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors’ bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;⁴ (i) all parties filing a notice of appearance in these Title III cases; and (j) Movant. A copy of the motion is also available on the Debtors’ case website at <https://cases.primeclerk.com/puertorico/>.

⁴ The “Other Interested Parties” include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.

8. The Debtor submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Debtor requests the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: July 24, 2019
San Juan, Puerto Rico

Respectfully submitted,

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Exhibit A

Proposed Order